

DECLARATION AND POWER OF ATTORNEY

Attorney Case No. 53524AUSM1

As a below named inventor, I hereby declare:

That my citizenship is as stated below next to my name;

That, I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled:

**USE OF CATHEPSIN S INHIBITOR FOR TREATING AN IMMUNE RESPONSE CAUSED BY
ADMINISTRATION OF A SMALL MOLECULE THERAPEUTIC OR BIOLOGIC**

described and claimed in an application for Letters Patent of The United States of America filed on June 6, 2006, U.S. Serial No. 10/581,977, as International Application No. PCT/US2004/041580 filed on December 10, 2004, designating the United States, that I have reviewed and understand the contents of the specification, including the claims, that I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with 37 CFR §1.56(a), and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows:

None

I hereby claim the benefit under Title 35, United States Code 119(e) of Provisional Application Number 60/528,846 filed on December 11, 2003 and Provisional Application Number 60/532,202 filed on December 23, 2003.

I hereby appoint the attorney(s) and/or agent(s) associated with Customer Number 27586 to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Address all telephone calls to Jacqueline S. Larson at telephone number (510) 669-4483.

Address all correspondence to Berlex Biosciences, Corporate Patent Department, 2600 Hilltop Drive Avenue, P.O. Box 4099, Richmond, California 94804-0099.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Sole Inventor or
First Joint Inventor

Full name: Kyle C. Elrod

Signature: Kyle C. ElrodDate: Oct 11, 2006

Citizenship: US

Docket: 53524AUSM1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
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OCT 19 2006

First Named
Inventor: Kyle C. Elrod

Appln. No.: 10/581,977

Int'l Appln. No.: PCT/US2004/041580

Int'l
Filing Date: December 10, 2004

Title: Use of Cathepsin S Inhibitors for
Treating an Immune Response
Caused By Administration of a Small
Molecule Therapeutic or Biologic

Examiner: Not yet known

Group Art Unit: Not yet known

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

I hereby certify that this correspondence is being facsimile
transmitted to the USPTO's central facsimile at (571) 273-8300
on the date below.

M. A. Flores
Mary Ann Flores

Oct 19, 2006
Date of Signature

Dear Sir:

In compliance with 37 CFR 1.63, please find enclosed a fully executed Declaration and Power of Attorney for the above referenced case. Under the provisions of 37 CFR 1.16(f), the Commissioner is hereby authorized to charge the late filing fee of \$130 to deposit account #02-2117 plus any other charges or deficiencies including petitions for extension of time fees but this is not authorization to pay the issue fee.

Respectfully submitted,

BERLEX BIOSCIENCES
Customer Number 27586

Jacqueline Slannon
Jacqueline Slannon, Reg. No. 30,279

Date: *Oct. 19, 2006*

Corporate Patents
2600 Hilltop Drive
Richmond, California 94806
(510) 262-5000

Docket: 53524AUSM1

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Mary Ann B. Lores
Mary Ann B. Lores

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Customer Number 27586

Jacqueline S. Larson
Jacqueline S. Larson, Reg. No. 30,279

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